IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21619 of 1994

Between:

The Kirlampudi Sugar Mills Ltd., Rep by Sri D.P. Sharma,
Uppada Road, Pithapuram,
E.G.Dist.,

..... PETITIONER

AND

1 The Government of A.P., Rep by Secretary
Food & Agriculture (Marketing II) Department, Secretariat,
hyderabad.
2 Agricultural Market Committee, Rep by Secretary.
Pithapuram, E.G.dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or appropriate writ declaring a) the notice letter R.C.No.188/94 dated 17.11.94 issued by the 2nd respondent herein as illegal, violative the powers of the 2nd respondent under the A.P. (Agriculture Produce and Live Stock) Market Act and as Violative of Article 19(1)(g) of the Constitution of India and b) and consequently issue a writ of mandamus directing the respondents herein not to insist the petitioner company to obtain a licence and to pay market cess under Sec.7(1) of the A.P. Agricultural Produce of orders as this Hon'ble court deems fit and proper in the interest of justice.

Counsel for the Petitioner:Mr.C.KODANDA RAM

Counsel for the Respondent No.1: G.P. for Agriculture

Counsel for the Respondent No.2: MR.Posani Venkateshwar Rao

The Court made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 21619 OF 1994

ORDER:

This writ petition is filed questioning the proceedings R.C.No.188/94 dated 17-11-1994 issued by the second respondent.

Learned counsel for petitioner and learned Standing Counsel for second respondent conceded that the issue raised in this writ petition is squarely covered by judgment of the Apex Court in BELSUND SUGAR COMPANY LIMITED Vs. STATE OF BIHAR.

Following the same, the present writ petition is allowed. No costs.

_____ N.V.RAMANA,J

24-9-2004

TVK

To

1 The Government of A.P., Rep by Secretary
Food & Agriculture (Marketing II) Department, Secretariat,
hyderabad.
2 Agricultural Market Committee, Rep by Secretary.
Pithapuram, E.G.dist

3.. 2CCs to

4.. 2CD copies

*Form-NIC-OGS/WP{**MJS**}*

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 21619 OF 1994

Date: 24-9-2004